Comments from the Belize Agricultural Health Authority (BAHA)
On the Bioterrorism Act of 2002
Passed By the United States of America

Section 302: Protection against Adulteration of Food

This section of the regulation indicates that FDA will ensure that measures are in place to protect against adulteration of food. As a result, FDA will be increasing imported food inspections, rapid testing and rapid sampling method.

In Belize, all exporters, of Medfly hosts commodities destined to the US market, ensure that USDA specifications are adhered to. The protocol contains specific guidelines for Agricultural practices, certification, surveillance and for quarantine measures where this is necessary. The question we have is the following:

Will the Memorandum of Understanding signed between the Ministry of Agriculture, Belize and the United States Department of Agriculture still be honored? If so, does that mean that no new or additional requirements will be required for those products to be accepted into the United States of America?

Section 303: Administrative Detention:

The Belize Agricultural Health Authority supports the preventative measures the United States of America is taking in an effort to promote the safety of all members of its populace.

This particular section of the Bioterrorism Act indicates the possibility of holding suspect consignments for not less than twenty (20) days but not more than thirty (30) days in an effort to conduct proper investigations and take appropriate actions if necessary.

The majority of products that Belize exports to the United States are perishables, and as a result we applaud the USA for indicating that all procedures associated with perishables will be expedited.

In drafting the regulations for this section we would like the following to be considered:

(1) that should the need arise to detain perishables, that the detention period not exceed twenty-four hours,

(2) that proper refrigeration facilities be in place to ensure that the commercial value of the produce is not lost or affected; and

(3) That the Country of origin (competent authority and relevant exporter) be notified immediately, since Bioterrorism is of a global concern.

(4) That the regulatory authorities continue to exercise transparency in the application of this section of the Bioterrorism Act.

Question:

Who will be responsible for paying port fees and other related expenses in the cases where detentions may be as a result of misinformation and not the fault of the exporter?

Section 305: Registration of Food Facilities: This section indicates that all foreign food and animal feed facilities will need to be registered with the Food and Drug Registration no later than 12 December 2003.

The Belize Agricultural Health Authority hereby solicits that in the drafting of regulations that the following be considered:

1. *Provisions be made for those facilities that will commence operations and exportation to the USA after December 2003.*

2. *In the event that the FDA system experiences some sort of failure (internet system) what other mechanism(s) will be employed by FDA to ensure that persons who register or submit notifications, will receive timely appropriate information from an official FDA office?*

Section 306: Maintenance and Inspection Records for Foods

The Belize Agricultural Health Authority is the competent authority for agricultural health and food safety in Belize. Representatives of the agricultural sector needed clarifications with respect to the following:

1. *When reference is made to maintenance and inspection of records for food, what specifically does FDA mean by "records"? The industry would like to be given detailed FDA guidelines with respect to the type of records that will be needed to be kept.*

2. *In the event that FDA decides that it would like to review or have copies of "records" maintained by the respective facilities, will this be done through the National Competent Authority, in conjunction with the National Competent Authority? What line of communication will it use? Will it work independent of the Competent Authorities already established in the respective countries?*

3. **USDA has certified a number of different agencies to conduct certification on its behalf.**

    a. *Will the certification procedures of those agencies still be considered valid?*
    b. *Will FDA be recognizing the competence of other organizations and allowing them to conduct inspections and certification on their behalf?*

Section 307: Prior Notice of Imported Food Shipments

This section of the act indicates that notifications will need to be made 8 hours or five days before a consignment is to arrive at any port of entry within the United States of America.

1. *In the event that the FDA system experience some sort of failure (internet system) what other mechanism(s) will be employed by FDA to ensure that persons who register or submit notifications, will receive the timely appropriate information from an official FDA office?*

2. *What provisions will the Act entail to determine the protocol for dealing with*
    a. *Submission of biological samples to reference laboratories for analyses;*
    b. *Submission of samples for agronomical analyses?*